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EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/775,692

Applicant(s)

KIMBLE ET AL.

Examiner

Sindya Narayanaswamy

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2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-30 are presented for examination.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7, 11-14, 17, 21-24 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al, US-6,278,448 (hereinafter Brown).
3. As per claim 1, Brown teaches the method of displaying a video content frame within a WEB browser based content frame in a windowless environment, comprising the steps of: a) generating a transparent section (*transparent window*) in the browser based content frame (col. 3, lines 9-11); and b) overlapping the video content frame in the transparent section of the browser based content frame (*layers in front and as background*)(col. 3, lines 11-14).
4. As per claim 2, Brown teaches the method of displaying a video content frame within a WEB browser based content frame in a windowless environment of claim 1, wherein the

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displayed size of the video content frame is smaller (*adjustable size*) than the displayed size of the browser based content frame (col. 1, lines 24-29).

5. As per claim 3, Brown teaches the method of displaying a video content frame within a WEB browser based content frame in a windowless environment of claim 2, wherein video content is related to the browser based content (*Microsoft Invest clip, Fig. 4*) (col. 2, lines 37-43; Fig. 4).

6. As per claims 4 and 7, Brown teaches the method of handling a video media event in a windowless Web browser system or a Television set top box (read as: *a dedicated push media device for receiving streaming video and/or audio by radio broadcast, satellite or cable (as defined by Dictionary.com)*), comprising the steps of: a) detecting a video media event (col. 3, lines 9-11); b) generating a transparent section in the browser frame and c) overlapping a video content frame in the transparent section of the browser frame where the video content frame is generated from the video media event (col. 3, lines 11-14).

7. As per claims 11-14 and 21-24, they are very similar in scope to claims 1-4 and are thus rejected on the same basis as claims 1-4.

8. As per claim 17, it is similar in scope to claims 4 and 14 and is thus rejected on the same basis.

9. As per claims 27-28, they are very similar in scope to claims 1 and 2 and are thus rejected on the same basis.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time of the invention the invention was made to a person having ordinary skill in the art at the time of the invention to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5-6, 8-10, 15-16, 18-19, 20, 25-26 and 29-30 are rejected under 35 USC 103(a) over Brown et al, US-6,278,448 in view of Civanlar et al, US-5,691,768 (hereinafter Civanlar).

12. As per claims 5 and 8, Brown teaches the method substantially as claimed including the method of handling a video media event in a windowless Web browser system or a Television set top box of claim 4 or claim 7.

Brown does not specifically teach the method wherein the step b) includes: a) decoding the video frame size from the video media event; and b) decoding the source of the video signal to be displayed in the video content frame from the video media event. However, Civanlar teaches the decoding of the video frame size and the decoding of the source of the video signal (*equipped with decoding equipment*) (col. 1, line 15-19; col. 2, lines 5-10). It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Brown with Civanlar's decoding methods in order to enable the communication of events.

13. As per claims 6 and 9, Civanler teaches the method wherein step b) further includes decoding the video frame location from the video media event (col. 1, line 15-19; col. 2, lines 5-10; Fig. 4).

14. As per claims 10 and 20, Brown and Civanler teach the methods as claimed in claims 7 and 17 but do not teach the method of handling a video media event in a windowless Web browser system in a Television set top box of claims 9 and 19, wherein step b) includes directing a tuner to tune to the source of the video signal to be displayed in the video content frame. However, Official Notice is taken that directing tuners is well known in the art; therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate direct tuners to tune the source of the video signal in order to improve the quality of the video and display.

15. As per claims 15-16, 18-19, and 25-26 they are similar in scope to claims 5 and 6 and are therefore rejected on the same basis.

16. As per claims 29 and 30, they are similar in scope to claims 9-10 and are thus rejected on the same basis.

***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. US-6,229,537 – Sobeski et al, - windowless systems

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number is (703) 305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

Sindya Narayanaswamy

  
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